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PATENT
P57022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TAE-HO LEE

Serial No.: 10/774,608

Examiner: PATEL, VIP

Filed: 10 February 2004

Art Unit: 2879

For: PLASMA DISPLAY PANEL AND METHOD OF MANUFACTURE
THEREOF**PETITION UNDER 37 C.F.R. §1.181****Paper No. 10**Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the incomplete first Office action on the merits mailed on 23 August 2005 (Paper No. 0805), as reasons therefor, states that:

**CERTIFICATE OF
FACSIMILE TRANSMISSION**

I hereby certify that, on 6 September 2005,
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Total 6 sheetsFor Robert E. Bushnell
Reg. No. 27,774Folio: P57022
Date: 9/6/05
I.D.: REB/kf

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1. On 23 August 2005, a first Office action on the merits was issued (Paper No. 0805). In the PTO-892 form attached to Paper No. 0805, one (1) U.S. patent reference, namely De Zwart *et al.*, U.S. Patent No. 6,388,644 was cited.
2. On page 2 of Paper No. 0805, the Examiner rejected claims 1 through 11 under 35 U.S.C. §102 for alleged anticipation by Huang *et al.* U.S. Patent No. 6,525,469.
3. The Huang *et al.* '469 reference is not set forth neither in the PTO-892 form attached to Paper No. 0805 nor the two Information Disclosure Statements filed by Applicants on 10 February 2004 and 2 June 2004.

REMARKS

Huang *et al.* '469 is cited neither in the PTO-892 form attached to the Office action mailed on 23 August 2005 (Paper No. 0805) nor Applicant's Information Disclosure Statements filed on 10 February 2004 and 2 June 2004.

This is to say, Huang *et al.* '469 is not made of official record of the present application and that the Office action mailed on 23 August 2005 (Paper No. 0805) is incomplete under 37 C.F.R. §1.104 (and *Manual of Patent Examining Procedure* §707.05) in that, the claims 1 through 11 of the application were rejected based upon Huang *et al.* '469 which is not made of record in the application.

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Although current Office practice is not to provide copies of U.S. patents or U.S. patent publications with Office communications, and even though Examiner did indicate the patent number of the Huang *et al.* '469 reference that was being relied upon in the Office action, the Examiner did not list the Huang *et al.* '469 reference on the citation of art, that is PTO-892, which accompanied the action. It is submitted, therefore, the Office action mailed on 9 mailed on 23 August 2005 (Paper No. 0805) was deficient.

Given that the error was brought to the attention of the Office within one (1) month of the mailing date of the action, in accordance with MPEP §710.06, the time period for response should be reset and restarted with the re-mailing of the Supplemental Notice of references Cited (PTO Form 892).

A copy of a Decision on Petition for Serial No. 09/615,652 previously issued by Group Director which granted similar relief requested by Applicant is attached.

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P57022**RELIEF REQUESTED**

In view of the above, the Commissioner is respectfully requested to direct the Examiner to:

- A. Issue a Supplemental PTO-892 form citing the Huang *et al.* '469 reference (the patent number, patent issue date, and the name of the inventor);
- B. Re-start the period for response to expire not less than three (3) months from the date on which the supplemental PTO-892 form citing the Huang *et al.* '469 reference is provided to Applicant by the Examiner; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,



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